

ESTTA Tracking number: **ESTTA657196**

Filing date: **02/20/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Dentsu Aegis Network France
Granted to Date of previous extension	02/22/2015
Address	4 Place de Saverne Courbevoie, 92400 FRANCE
Attorney information	Susan Upton Douglass Fross Zelnick Lehrman & Zissu, P.C. 866 United Nations Plaza New York, NY 10017 UNITED STATES sdouglass@frosszelnick.com Phone:212-813-5900

Applicant Information

Application No	86232710	Publication date	08/26/2014
Opposition Filing Date	02/20/2015	Opposition Period Ends	02/22/2015
Applicant	Carrot Creative, LLC 45 Main Street, Suite 1101 Brooklyn, NY 11201 UNITED STATES		

Goods/Services Affected by Opposition


Class 035. First Use: 2005/06/06 First Use In Commerce: 2005/06/06 All goods and services in the class are opposed, namely: Marketing, advertising and branding consultancy; advertising and promotion services, namely, consulting, development, and marketing of brands for businesses; brand concept and brand development services for corporate clients; Social media strategy and marketing consultancy focusing on helping clients create and extend their product and brand strategies by building virally engaging marketing solutions; consulting services regarding usage of social media tools and social media outlets in the field of marketing; consulting services regarding social media strategy, promotion creation and implementation in the field of marketing
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3862934	Application Date	10/14/2009
Registration Date	10/19/2010	Foreign Priority	NONE

		Date	
Word Mark	CARAT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1996/12/31 First Use In Commerce: 1996/12/31 Advertising and advertisement services; advertising and publicity services; services of advertising agencies; distribution of advertising materials; business organization consultancy; promoting the goods and services of others by arranging for sponsors to affiliate their goods and services with events and exhibitions, namely, awards programs, sports competitions, sporting activities, product or service launches, charitable events, musical or entertainment exhibitions, and corporate events; marketing research and analysis; data processing services; business management activities, namely, negotiating and closing of commercial transactions for others; business statistical studies and analysis; commercial research; market research studies using qualitative and quantitative research methods; barter exchange services, namely, providing commercial barter and trade exchange of products and services; providing consulting services in the field of facilitating the planning, buying, and selling of media; customer relationship management; organization of exhibitions for commercial or advertising purposes; promoting sports competitions and/or events of others		

U.S. Registration No.	1573741	Application Date	10/28/1988
Registration Date	12/26/1989	Foreign Priority Date	04/29/1988
Word Mark	CARAT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 0 First Use In Commerce: 0 BUSINESS MANAGEMENT CONSULTING SERVICES Class 036. First use: First Use: 0 First Use In Commerce: 0 WHOLESALE BROKERING TO ADVERTISERS AND ADVERTISING AGENCIES OF COMMERCIAL ADVERTISING TIME AND SPACE ON TELEVISION, RADIO AND IN PRINT MEDIA INCLUDING NEWSPAPERS AND MAGAZINES;		

	[REAL ESTATE INVESTMENT, LEASING AND] MANAGEMENT SERVICES Class 038. First use: First Use: 0 First Use In Commerce: 0 RADIO AND TELEVISION BROADCASTING SERVICES Class 041. First use: First Use: 0 First Use In Commerce: 0 BOOK AND TEXT PUBLISHING, FILM PRODUCING, SOUND RECORDING, MOVIE STUDIO OPERATING, PRODUCING RADIO AND TELEVISION PRO- GRAMS, RENTAL OF SOUND RECORDING AND MOTION PICTURES, RENTAL OF MOVIE PROJECTORS AND ACCESSORIES
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Attachments	77848605#TMSN.png(bytes) 73760280#TMSN.png(bytes) CARROT Notice of Opposition (F1632986x96B9E).pdf(446972 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/sud/
Name	Susan Upton Douglass
Date	02/20/2015

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Opposer's Ref: AGMF 1407503

In the Matter of Application Serial No. 86/232710
Mark: CARROT

-----X	:	
Dentsu Aegis Network France	:	
Opposer,	:	
- against -	:	Opposition No. _____
Carrot Creative, LLC,	:	
Applicant.	:	
-----X	:	
Box TTAB		
FEE		

NOTICE OF OPPOSITION

Dentsu Aegis Network France, a French corporation, a French corporation, located and doing business at 4 Place de Saverne, Courbevoie, 92400, France ("Opposer"), believes that it would be damaged by the issuance of a registration for the trademark CARROT as applied for in Application Serial No. 86/232710 and therefore opposes the same. As grounds for its opposition, Opposer, by its attorneys Fross Zelnick Lehrman & Zissu, P.C., alleges as follows:

1. Since at least as early as 1996, and prior to any date upon which Applicant can rely, Opposer or its predecessors-in-interest has used in commerce the mark CARAT for advertising and marketing services, specializing in media planning and buying, and in digital and non-traditional media solutions, and is continuing to do so. Opposer has invested a substantial amount of time, effort and money in promoting the CARAT mark. As a result, the mark has

become distinctive of Opposer's services and has come to represent enormous goodwill for Opposer.

2. Opposer owns U.S. Registration No. 3862934, filed on October 14, 2009 and issued October 19, 2010, based on use in commerce since at least as early as December 31, 1996, for the mark CARAT for "Advertising and advertisement services; advertising and publicity services; services of advertising agencies; distribution of advertising materials; business organization consultancy; promoting the goods and services of others by arranging for sponsors to affiliate their goods and services with events and exhibitions, namely, awards programs, sports competitions, sporting activities, product or service launches, charitable events, musical or entertainment exhibitions, and corporate events; marketing research and analysis; data processing services; business management activities, namely, negotiating and closing of commercial transactions for others; business statistical studies and analysis; commercial research; market research studies using qualitative and quantitative research methods; barter exchange services, namely, providing commercial barter and trade exchange of products and services; providing consulting services in the field of facilitating the planning, buying, and selling of media; customer relationship management; organization of exhibitions for commercial or advertising purposes; promoting sports competitions and/or events of others," in Class 35; and U.S. Registration No. 1573741, filed on October 28, 1988 and issued on December 26, 1989, for the mark CARAT, for "business management and consulting services," in Class 35, "wholesale brokering to advertisers and advertising agencies of commercial advertising time and space on television, radio and in print media including newspapers and magazines; management services," in Class 36, "radio and television broadcasting services," in Class 38, and "book and text publishing, film producing, sound recording, movie studio operating, producing radio and

television programs, rental of sound recording and motion pictures, rental of movie projectors and accessories,” in Class 41. Opposer's registrations are valid, subsisting, and in full force and effect. In addition, Registration No. 1573741 has become incontestable under Sec. 15 of the Trademark Act, and as such, this registration serves as conclusive evidence of Opposer's exclusive right to use the mark.

3. On March 26, 2014, Applicant, Carrot Creative, LLC, filed an application to register the mark CARROT for “marketing, advertising and branding consultancy; advertising and promotion services, namely, consulting, development, and marketing of brands for businesses; brand concept and brand development services for corporate clients; Social media strategy and marketing consultancy focusing on helping clients create and extend their product and brand strategies by building virally engaging marketing solutions; consulting services regarding usage of social media tools and social media outlets in the field of marketing; consulting services regarding social media strategy, promotion creation and implementation in the field of marketing,” in Class 35, claiming use since June 6, 2005. This application was assigned Ser. No. 86/232710.

4. On information and belief, Applicant made no use of the mark CARROT prior to its first-use date of June 6, 2005. Therefore, Opposer has priority.

5. The mark that Applicant seeks to register, CARROT, is identical in sound and highly similar in appearance to Opposer's CARAT marks, and will be used for the same category of services for which Opposer uses its registered marks. Based on the similarities of the marks and services, the public is likely to associate the services intended to be offered by Applicant under the mark CARROT with Opposer or with Opposer's CARAT services, or to believe that

Applicant's services are sponsored, endorsed or licensed by Opposer, or that there is some relationship between Applicant and Opposer.

6. For the above reasons, any use of the mark CARROT by Applicant is likely to cause confusion, cause mistake or deceive the public, and cause the public to believe that the services offered under the CARROT mark emanate from or are otherwise sponsored by or endorsed by Opposer, in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

By reason of the foregoing, Opposer will be damaged by the registration of the mark CARROT to Applicant.

WHEREFORE, it is respectfully requested that this opposition be sustained and that the registration sought by Application Serial No. 86/232710 be denied.

Dated: New York, New York
February 20, 2015

Respectfully submitted,

FROSS ZELNICK LEHRMAN
& ZISSU, P.C.



By: _____

Susan Upton Douglass
Attorneys for Opposer
866 United Nations Plaza
New York, New York 10017
(212) 813-5900

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served by prepaid, first-class mail upon Applicant's attorney, Lawrence R. Robins, Esq. and Kimberly B. Herman, Esq., Sullivan & Worcester LLP, One Post Office Square, Boston, MA 02109, this 20th day of February, 2015.



Susan Upton Douglass

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Mark: CARAT

CARAT

US Serial Number: 77848605
US Registration Number: 3862934
Register: Principal
Mark Type: Service Mark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Oct. 19, 2010
Publication Date: Aug. 03, 2010

Application Filing Date: Oct. 14, 2009

Registration Date: Oct. 19, 2010

Mark Information

Mark Literal Elements: CARAT
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

Claimed Ownership of US Registrations: 1573741

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Advertising and advertisement services; advertising and publicity services; services of advertising agencies; distribution of advertising materials; business organization consultancy; promoting the goods and services of others by arranging for sponsors to affiliate their goods and services with events and exhibitions, namely, awards programs, sports competitions, sporting activities, product or service launches, charitable events, musical or entertainment exhibitions, and corporate events; marketing research and analysis; data processing services; business management activities, namely, negotiating and closing of commercial transactions for others; business statistical studies and analysis; commercial research; market research studies using qualitative and quantitative research methods; barter exchange services, namely, providing commercial barter and trade exchange of products and services; providing consulting services in the field of facilitating the planning, buying, and selling of media; customer relationship management; organization of exhibitions for commercial or advertising purposes; promoting sports competitions and/or events of others

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 31, 1996

Use in Commerce: Dec. 31, 1996

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: AEGIS MEDIA FRANCE
Owner Address: 4 PLACE DE SAVERNE
COURBEVOIE 92400
FRANCE
Legal Entity Type: CORPORATION

State or Country Where Organized: FRANCE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Susan Upton Douglass
Attorney Primary Email: sdouglass@frosszelnick.com
Address:

Docket Number: AGMF 1002288

Attorney Email: No
Authorized:

Correspondent

Correspondent Name/Address: Susan Upton Douglass
Fross Zelnick Lehrman & Zissu, P.C.
866 United Nations Plaza
New York, NEW YORK 10017
UNITED STATES

Phone: 212-813-5900

Fax: 212-813-5901

Correspondent e-mail: sdouglass@frosszelnick.com

Correspondent e-mail: No
Authorized:

Domestic Representative

Domestic Representative Name: Susan Upton Douglass

Phone: 212-813-5900

Fax: 212-813-5901

Domestic Representative e-mail: sdouglass@frosszelnick.com

Domestic Representative e-mail: Yes
Authorized:

Prosecution History

Date	Description	Proceeding Number
Oct. 19, 2010	REGISTERED-PRINCIPAL REGISTER	
Aug. 03, 2010	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Aug. 03, 2010	PUBLISHED FOR OPPOSITION	
Jun. 28, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	76532
Jun. 25, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 24, 2010	EXAMINER'S AMENDMENT ENTERED	88888
Jun. 24, 2010	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Jun. 24, 2010	EXAMINERS AMENDMENT E-MAILED	6328
Jun. 24, 2010	EXAMINERS AMENDMENT -WRITTEN	78439
May 20, 2010	TEAS/EMAIL CORRESPONDENCE ENTERED	76532
May 20, 2010	CORRESPONDENCE RECEIVED IN LAW OFFICE	76532
May 20, 2010	ASSIGNED TO LIE	76532
Apr. 28, 2010	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Apr. 21, 2010	ATTORNEY REVOKED AND/OR APPOINTED	
Apr. 21, 2010	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jan. 22, 2010	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jan. 22, 2010	NON-FINAL ACTION E-MAILED	6325
Jan. 22, 2010	NON-FINAL ACTION WRITTEN	78439
Jan. 15, 2010	ASSIGNED TO EXAMINER	78439
Oct. 19, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Oct. 17, 2009	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Oct. 19, 2010

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Mark: CARAT

CARAT

US Serial Number: 73760280 Application Filing Date: Oct. 28, 1988
US Registration Number: 1573741 Registration Date: Dec. 26, 1989
Register: Principal
Mark Type: Service Mark
Status: The registration has been renewed.
Status Date: Nov. 09, 2009
Publication Date: Oct. 03, 1989

Mark Information

Mark Literal Elements: CARAT
Standard Character Claim: No
Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Foreign Information

Priority Claimed: Yes
Foreign Application Number: 923747 Foreign Application Filing Date: Apr. 29, 1988
Foreign Registration Number: 1480752 Foreign Registration Date: Apr. 29, 1988
Foreign Application/Registration Country: FRANCE Foreign Expiration Date: Apr. 29, 1998

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [.] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *,* identify additional (new) wording in the goods/services.

For: BUSINESS MANAGEMENT CONSULTING SERVICES

International Class(es): 035 - Primary Class

U.S Class(es): 101

Class Status: ACTIVE

Basis: 44(e)

For: WHOLESALE BROKERING TO ADVERTISERS AND ADVERTISING AGENCIES OF COMMERCIAL ADVERTISING TIME AND SPACE ON TELEVISION, RADIO AND IN PRINT MEDIA INCLUDING NEWSPAPERS AND MAGAZINES; [REAL ESTATE INVESTMENT, LEASING AND] MANAGEMENT SERVICES

International Class(es): 036 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 44(e)

For: RADIO AND TELEVISION BROADCASTING SERVICES

International Class(es): 038 - Primary Class

U.S Class(es): 100, 101, 104

Class Status: ACTIVE

Basis: 44(e)

For: BOOK AND TEXT PUBLISHING, FILM PRODUCING, SOUND RECORDING, MOVIE STUDIO OPERATING, PRODUCING RADIO AND TELEVISION PROGRAMS, RENTAL OF SOUND RECORDING AND MOTION PICTURES, RENTAL OF MOVIE PROJECTORS AND ACCESSORIES

International Class(es): 041 - Primary Class

U.S Class(es): 107

Class Status: ACTIVE

Basis: 44(e)

Basis Information (Case Level)

Filed Use: No	Currently Use: No	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: Yes	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: Yes	Amended 44E: Yes
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: AEGIS MEDIA FRANCE
 Owner Address: 4, PLACE DE SAVERNE
 COURBEVOIE 92400
 FRANCE
 Legal Entity Type: JOINT STOCK COMPANY
 State or Country Where Organized: FRANCE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Lesley S Craig
 Attorney Primary Email Address: teas@hirschsimpson.com
 Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Lesley S Craig
 Hirsch Simpson, LLC
 5950 Fairview Road, Suite 100
 Charlotte, NORTH CAROLINA 28210
 UNITED STATES
 Phone: 303 810 8038
 Fax: 704 943 3302
 Correspondent e-mail: teas@hirschsimpson.com
 Correspondent e-mail Authorized: Yes

Domestic Representative

Domestic Representative Name: BURNS DOANE SWECKER & MATHIS LLP

Prosecution History

Date	Description	Proceeding Number
Nov. 09, 2009	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	60234
Nov. 09, 2009	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Nov. 03, 2009	TEAS SECTION 8 & 9 RECEIVED	
Nov. 25, 2008	CASE FILE IN TIGRS	
Feb. 18, 2000	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Feb. 18, 2000	REGISTERED - SEC. 9 GRANTED/CHECK RECORD FOR SEC. 8	
Oct. 29, 1999	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Dec. 11, 1996	REGISTERED - SEC. 8 (6-YR) ACCEPTED	
Dec. 07, 1996	POST REGISTRATION ACTION CORRECTION	
Aug. 30, 1996	POST REGISTRATION ACTION MAILED - SEC. 8 & 15	
Jul. 15, 1996	RESPONSE RECEIVED TO POST REG. ACTION	
Jun. 26, 1996	POST REGISTRATION ACTION MAILED - SEC. 8 & 15	
Dec. 21, 1995	REGISTERED - SEC. 8 (6-YR) FILED	
Dec. 26, 1989	REGISTERED-PRINCIPAL REGISTER	
Oct. 03, 1989	PUBLISHED FOR OPPOSITION	
Sep. 05, 1989	NOTICE OF PUBLICATION	
Jul. 13, 1989	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 28, 1989	EXAMINERS AMENDMENT MAILED	
Jun. 16, 1989	CORRESPONDENCE RECEIVED IN LAW OFFICE	

Dec. 23, 1988 UNRESPONSIVE/DUPLICATE PAPER RECEIVED
Dec. 28, 1988 NON-FINAL ACTION MAILED
Dec. 07, 1988 ASSIGNED TO EXAMINER

66764

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Renewal Date: Dec. 26, 2009

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date In Location: Nov. 09, 2009

Assignment Abstract Of Title Information

Summary

Total Assignments: 3

Registrant: S.F.E.C. SOCIETE FINANCIERE EUROPEENNE
DE COMMUNICATION SA

Assignment 1 of 3

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: 1480/0601

Pages: 2

Date Recorded: Jul. 12, 1996

Supporting Documents: No Supporting Documents Available

Assignor

Name: S.F.E.C. SOCIETE FINANCIERE EUROPEENNE
DE COMMUNICATION SA

Execution Date: Dec. 18, 1995

Legal Entity Type: CORPORATION

State or Country Where Organized: FRANCE

Assignee

Name: CARAT GROUP SA

Legal Entity Type: CORPORATION

State or Country Where Organized: FRANCE

Address: 4, PLACE DE SAVERNE
92400 COURBEVOIE, FRANCE

Correspondent

Correspondent Name: VICKERS DANIELS & YOUNG

Correspondent Address: ROBERT V. VICKERS, ESQ.
2000 TERMINAL TOWER
CLEVELAND, OH 44113

Domestic Representative - Not Found

Assignment 2 of 3

Conveyance: CHANGE OF NAME

Reel/Frame: 2387/0294

Pages: 3

Date Recorded: Oct. 18, 2001

Supporting Documents: assignment-tm-2387-0294.pdf

Assignor

Name: CARAT GROUP SA

Legal Entity Type: CORPORATION

Execution Date: Dec. 23, 1996

State or Country Where Organized: FRANCE

Assignee

Name: CARAT FRANCE

Legal Entity Type: CORPORATION

State or Country Where Organized: FRANCE

Address: 4, PLACE DE SAVERNE
92400 COURBEVOIE, FRANCE

Correspondent

Correspondent Name: BURNS, DOANE, SWECKER ET AL.

Correspondent Address: B. PARKER LIVINGSTON, JR.
P.O. BOX 1404

ALEXANDRIA, VA 22313-1404

Domestic Representative - Not Found

Assignment 3 of 3

Conveyance: CHANGE OF NAME

Reel/Frame: 2800/0278

Pages: 6

Date Recorded: Feb. 26, 2004

Supporting Documents: assignment-tm-2800-0278.pdf

Assignor

Name: CARAT FRANCE

Execution Date: Jun. 27, 2003

Legal Entity Type: JOINT STOCK COMPANY

**State or Country Where
Organized:** FRANCE

Assignee

Name: AEgis MEDIA FRANCE

Legal Entity Type: JOINT STOCK COMPANY

**State or Country Where
Organized:** FRANCE

Address: 4, PLACE DE SAVERNE
COURBEVOIE, FRANCE 92400

Correspondent

Correspondent Name: NORRIS, MCLAUGHLIN & MARCUS, P.A.

Correspondent Address: 220 E. 42ND STREET
NEW YORK, NY 10017

Domestic Representative - Not Found